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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PATRICK BERGEOT, BERTRAND LAPRAYE,
PASCAL VILLERET and MICHEL CHEVANNE

Appeal 2009-010853[1]
Application 10/766,834
Technology Center 2400

Before JEAN R. HOMERE, JOHN A. JEFFERY, and
ST JOHN COURTENAY III, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The real party in interest is ALCATEL. (App. Br. 2.)

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-25. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

Appellants invented a communications network (N) equipped with a Network Management System (NMS) for remotely managing a plurality of network elements (NE), each having a primary data management protocol (e.g., SNMP). (Fig. 1, Spec. 6, ll. 20-26.) The network further includes a mediation module (MM), which is responsible for enabling dialogue between the network elements and the network interfaces (MIF, MIS). The mediation module includes a plurality of protocol adaptation modules equal to the number of data management protocols associated with the network elements. (Fig. 2, Spec. 7, ll. 29-35.) Upon receiving data from a network element, the protocol adaptation module associated therewith converts the received data into secondary data, and vice-versa, in accordance with the data management protocol of the network element from which the data originates. (Spec. 8, ll. 22-27.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

> 1. A management device or arrangement (D) for a communication network (N) which includes a multiplicity of equipment elements (NE-ij), each associated with a primary data management protocol, said device or arrangement (D)

> including mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system (NMS), characterized in that it includes protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements, and each arranged i) to convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data, intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element, and in that said mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment element.

Prior Art Relied Upon

Hayball	US 6,233,610 B1	May 15, 2001
Wilson	US 2002/0029298 A1	Mar. 7, 2002

Rejection on Appeal

Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hayball and Wilson.

Appellants' Contentions

Appellants argue that the proffered combination of Hayball and Wilson does not render the claims on appeal unpatentable. In particular, Appellants argue that the proposed combination does not teach or suggest a

mediation means having a plurality of protocol adaptation modules, each corresponding to the data management protocol of each of a plurality of network elements to thereby convert primary data received therefrom into secondary data, vice-versa, as required by independent claim 1. (App. Br. 10-13.) According to Appellants, Hayball discloses a network having a discrete unit for managing a plurality of components, which do not each include a primary data management protocol. (App. Br. 10.) Further, Appellants argue that Hayball's disclosure of a network manager that can modify an existing communication network does not teach or suggest the mediation module having a plurality of protocol adaptation modules to convert primary data into secondary data, or vice-versa, according to a corresponding protocol management. (*Id.* 11-12.) Additionally, Appellants argue that Wilson's disclosure does not cure the noted deficiencies of Hayball. (*Id.* at 12-13)

Examiner's Findings

In response, the Examiner finds that the proffered combination teaches or fairly suggests the disputed limitations. (Ans. 10-11.) Therefore, the pivotal issue before us is as follows:

II. ISSUE

Have Appellants shown that the Examiner erred in finding that the combination of Hayball and Wilson teaches or suggests a mediation means having a plurality of protocol adaptation modules, each corresponding to the data management protocol of each of a plurality of network elements to

thereby convert primary data received therefrom into secondary data in accordance with the data management protocol, as recited in independent claim 1?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Hayball

1. Hayball discloses a communications network having a plurality of network elements (NE), being controlled by a plurality of network controllers (NC) that send/receive messages in accordance with standard protocols (e.g. SNMP, CMIP). (Col. 2, ll. 9-27, Fig. 1.) Each NE supports certain protocols, and the NEs can be assembled into a composite assembly of components that encapsulates the characteristics of the individual network elements. (col. 3, ll. 63-65, col. 4, ll. 53-58.)

2. Hayball discloses a viewing means to enable application level elements to interface with implementation level elements in order to exchange management data. (Col. 5, l. 60-67.)

Wilson

3. Wilson discloses a plurality of managed systems having a plurality of objects/resources forming a management view to an operating system, which utilizes a management interface, and a

plurality of mediating systems to provide communications between the different managed systems. (¶¶ [0008-0009].)

IV. ANALYSIS

We find error in the Examiner's rejection of independent claim 1, which recites, *inter alia,* a mediation means having a plurality of protocol adaptation modules, each corresponding to the data management protocol of each of a plurality of network elements to thereby convert primary data received therefrom into secondary data in accordance with the data management protocol. We find that the combination of Hayball and Wilson teaches or suggests, at best, a mediation module for facilitating communications between a plurality of network elements that support various communications protocols. (FF. 1-3.) Thus, while the suggested mediation module is capable of establishing communication between the network elements, wherein each of which appears to support at least one protocol, we find that the mediation module is devoid of protocol adaptation modules corresponding to each of said protocols to convert data from one element to another. In other words, we recognize that it would be reasonable for one of ordinary skill in the art to infer from the proffered combination that, since the mediation module facilitates communications between the network elements each which supporting a protocol, the mediation module should also provide a mechanism to allow the communication to take place among the elements. Nonetheless, given this limit of the combination, we are unable to infer therefrom that the mediation means includes an adaptation module corresponding to each protocol supported by the

combination to perform the required data conversion. To somehow arrive to such an inference would require us to stretch the references beyond reasonable limits, which we decline to do. Consequently, we agree with Appellants that the combined disclosures of Hayball and Wilson does teach or suggest the disputed limitations.

Since Appellants have shown at least one error in the rejection of claim 1, we need not address Appellants' other arguments pertaining to that rejection. It follows that Appellants have shown the Examiner erred in concluding that the combination of Hayball and Wilson renders claim 1 unpatentable.

Claims 2-25 recite the limitations of claim 1 discussed above. Therefore, we find that Appellants have also shown error in the Examiner's obviousness rejection of those claims.

V. DECISION

We reverse the Examiner's rejection of claims 1-25 as being unpatentable under 35 U.S.C. § 103(a).

REVERSED

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